

REMARKS

Claims 1-85 are pending in this application. No new matter has been added by way of the present amendment. For instance, claim 3 has been amended as supported by page 6, lines 17-23, page 10, lines 23-30 and page 12, line 27 to page 13, line 12. Accordingly, no new matter has been added.

In view of the following remarks, Applicant respectfully request that the Examiner withdraw all rejections and allow the currently pending claims.

Title of the Invention

The Examiner asserts that the title of the invention is not descriptive. Applicants traverse and submit that the title has been amended to recite “Amino Acid Sequences of Variants of Alternative Splicing”. Thus, the title is directed to variants of alternative splicing and indicates that the elected subject matter under examination is directed to “amino acid sequences”. Reconsideration and withdrawal of this rejection is respectfully requested.

Issues Under 35 U.S.C. § 101

The Examiner has rejected claim 3 under 35 U.S.C. § 101 asserting that the claimed invention lacks patentable utility due to its not being supported either by “specific” and/or “substantial” utility and/or a “well established” utility. Applicants respectfully traverse this rejection.

In response to the Restriction Requirement made by the Examiner, Applicants elected Group II with election of SEQ ID NO. 70,493. Applicants note that SEQ ID NO. 21,882 is the nucleic acid sequence which encodes the elected amino acid sequence.

The elected sequences belong to group 23 as disclosed at page 26, lines 19-24 of the present specification. Group 23 relates to kinases. Without acquiescing with respect to the Examiner's alleged lack of specific and/or substantial utility, Applicants submit that kinases have a well established utility. That is, a kinase is an enzyme, which brings about the phosphorylation of a given molecule. As such, Applicants respectfully submit that such a generic utility for kinases amounts to "well established utility". Accordingly, the Examiner is respectfully requested to withdraw the rejection under 35 U.S.C. § 101.

Issues Under 35 U.S.C. § 112, First Paragraph

The Examiner has rejected claim 3 under 35 U.S.C. § 112, first paragraph for the reasons recited at pages 8-12 of the outstanding Office Action. Applicants respectfully traverse these rejections.

Enablement

The Examiner asserts that claim 3, while being enabling SEQ ID NO. 70,493 does not reasonably provide enablement for homologues as defined. Applicants traverse and submit that claim 3 has been amended to specifically recite that the homologues have at least 90% identity, but less than 100% identity with the amino acid sequence of (i). Moreover, the Applicants direct the Examiner's attention to pages 33-36 of the present specification which disclose the preparation of nucleic acids including those of the elected species (Refer to example II A). Moreover, the use of these nucleic acids and the preparation of products is disclosed at pages 37-44 in example II B. Relating to amino acids, including the elected amino acid, Applicants direct the Examiner's attention

to Example III, commencing at page 51 of the present specification. The preparation and use of such amino acids is disclosed at pages 52-54 of the present specification. Accordingly, Applicants respectfully submit that one skilled in the art is fully able to make and use the presently claimed subject matter without undue experimentation.

Written Description

The Applicants further submit that the present claims are fully supported by the present specification in such a way as to reasonably convey to one skilled in the art that Applicants, at the time the application was filed, had possession of the invention as claimed. Applicants direct the Examiner's attention to the fact that claim 3 has been amended to recite that "said homologues have at least 90% identity, but less than 100% identity with the amino acid sequence of (i)". Thus, one of skill in the art, upon reading the present specification would understand that Applicants were in possession of the invention as currently claimed. Reconsideration and withdrawal of these rejections are respectfully requested.

In view of the above, Applicants have requested that the Examiner withdraw all rejections and allow the currently pending claims.

If the Examiner has any questions or comments, please contact the undersigned at the offices of Birch, Stewart, Kolasch & Birch, LLP.


Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) respectfully petition(s) for a three (3) months extension of time for filing a reply in connection with the present application, and the required fee of \$930.00 is attached hereto.

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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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Attachment(s):